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Research on the Legal System Issues of Rural Social Organizations

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Abstract

Rural social organizations are of enormous significance for the promotion of social development, yet the development is quite slow. The legal system issues such as the lagging legislation, deficient systems and nonstandard behaviors can be solved by standardizing conditions and procedures, setting up an internal management system, building operation mechanisms and reinforcing the supervision and management. The purpose is to complete the laws and regulations of rural social organizations as well as the development environment of rural social organizations.

Key words: Rural social organizations; Legal system; Development

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INTRODUCTION

Recent years, with the development of the socialist market economy and the democratic politics in China, the rural reforms have stepped deeper gradually. Various fast-developing rural civil organizations and associations volunteered

by farmers have formed multifarious farmers' social organizations featuring the large quantity and wide coverage. The government has attached great importance to the constructions of primary social organizations and the improvement of their autonomous ability. The third Plenum of the 17th Communist Party of China Central Committee clearly put forward the policy to foster rural service, public and interdependent organizations, and also to improve the social self-government functions. The 18th CPC National Congress proposed a clear guiding on intensifying the balance between urban and rural development, enhancing the vitality of rural development, narrowing the gap between urban and rural areas gradually and promoting common prosperity, at the same time that the plenum urged to strengthen and make innovations in social administrations, to guide the healthy and orderly development of social organizations and to give full play to the basic functions of the society management that all people participate in. The Third Plenary Session of the 18th CPC National Congress also proposed that in order to innovate social governance, strengthen the vitality of social development and improve the effectiveness of social governance, we should activate the ability of social organizations. This shows that the rural social organization is given great missions and its construction and development have become an important part of building a modern socialist country, so the study of rural social organizations has been a major subject in the academic field.

1. THE CONNOTATION AND FUNCTION OF RURAL SOCIAL ORGANIZATIONS

The so-called rural social organization is generally considered to be the secondary social mass organization that is organized by rural residents, performing certain social functions and pursuing particular social goals. It contains a certain amount of members, specific goals, relatively standardized articles, a stringent power system and material technique and facilities (Xiao & Zhang, 2011). The rural social organization plays an important role in accomplishing, safeguarding and developing the political, economic and cultural rights and interests of farmers. Generally, it is non-profit, non-governmental, autonomous and voluntary. The rural social organizations expounded in this paper refer to mass organizations and civil non-enterprise units in county (city), countryside (town), or the village that offer service to agriculture, country, and farmer. (Villager autonomous organizations will not be discussed in this paper for its governmental functions)

The forms of rural social organizations are different. According to the reality of rural social organizations in China, a common method of classification is based on the forming way, which classifies the rural social organizations in terms of the basic natures and functions. There are several basic types: rural economic organizations,

rural political organizations, rural mass life groups, rural education organizations, rural cultural and sports organizations, scientific and technological organizations, rural medical and health care organizations, rural religious organizations etc. All those organizations play an increasingly important role in the aspects of economy, politics, social activities and culture in the countryside and support the construction and development in rural areas. The functions mainly reflect in promoting the rural economic development, making up the administrative limitation of village committees, promoting the villagers' autonomy and assisting the social management. The main functions express in various aspects, such as offering all kinds of public services, broadening the channels for demanding rights and interests, resolving disputes and maintaining social harmony and stability, so as to enrich the spiritual and cultural life in rural areas, and make the rural culture more prosperous.

2. THE DEVELOPMENT LIMITATIONS OF RURAL SOCIAL ORGANIZATIONS

In the past 30 years, China has witnessed a remarkable progress in the light of the development and construction of rural social organizations and the diversity, among which the cooperative economic organizations grow the fastest. By integrating various types of rural social resources, promoting collective actions, the cooperative economic organizations have improved the agro-industry, invigorated rural economy, stimulated the formation of new productivity in rural areas. However, the development of rural social organizations cannot meet the needs of the rural modernization, and there still exist some problems deserving of our attention and deep thinking.

2.1 Slow Development Cannot Meet Farmers' Requirements

The development rate of rural social organizations is slower than that of urban social organizations, which not only show in quantity, but also show in the forms. Especially in the central and western rural areas, there is still a disparity between the growth of rural social organizations and the demands of farmers. In addition, the shortage of talents and fund in rural social organization restricts its own growth. Some activities organized by rural social organizations are humdrum and of slight significance, therefore, this kind of organizations cannot function well in the fields of public service and social management. Though the growth of economical social organizations is faster, they still lack the capacities of expanding the market, spreading technology, raising fund, guarding against agricultural risks because of their small scales and insufficient specialty. Thus the impact of economical social organizations in terms of promoting agricultural modernization and increasing farmers' income is limited.

2.2 The Lagging Legislative Process, Inadequate Laws and Regulations

Currently, relevant laws and regulations of rural social organizations in China are inadequate, which impede the acquirement of their legal status. On one hand, our country has not set up relevant legal systems or any specialized, comprehensive and rigorous *social organizations laws*, so the nature, foundation, status and functions of social organizations are not entirely clear, which also cause the noneffective work, influence the function and performance. In 2012 *Chinese Social Management Innovation Report* summarized 35 current legal documents about social organizations, such as *Interim Measures for the Administration of Social Organizations in the Civil Affairs Department*, *Interim Measures for the Administration of Social Organizations of the Competent Department of Education*, *Measures for the Implementation of the Registration and Administration of the Religious and Social Groups*, *Regulations on the Management of the National Social Organizations (Provisional) of the CPC Central Committee Party School*, which involved the ministry of education, the ministry of civil affairs and the administration for religious affairs. *Farmer Specialized Cooperative Law of the People's Republic of China* is the only law that specialized in rural social organizations. The establishment, registration and management of other rural social organizations must draw on the current social organization laws such as *Regulations on the Registration and Administration of Social Organizations*, *Fund Management Regulations*, *Interim Regulations on the Registration and Administration of Private Non-Enterprise Units*. On the other hand, The layer of law-making is still low, with the strong principle yet lack of maneuverability, judicial explanations and detailed rules (Huang, 2012). The existing regulations such as *Regulations on the Registration and Administration of Social Organizations*, *Interim Regulations on the Registration and Administration of Private Non-Enterprise Units* all place emphasis on registration and management procedures, ignoring the substantive rules. These terms and conditions are too abstract to meet the needs of practical work. For example, *The Cooperative Law* lacks the top-down vertical hierarchy mechanism that can reflect farmers' demands. Similarly, financial rules that go with supporting policies are also lost in other relevant laws. Besides, the existing social organization laws do not distinguish the rural and urban areas, so most rural social organizations cannot be legitimized for their substandard conditions, which hinder the development.

2.3 Incomplete Management Systems and Nonstandard Organizational Behaviors

For the government authorities, the management system of social organizations in China is that the registration administrative organs and the competent authorities are both in charge of the management. So in reality, there exist many problems, such as multi-channel management, overlapping functions and management

default. The registration administrative organs and the competent authorities lack communication so as to fail to fully perform their supervisory duties. Due to the shortage of manpower, the competent authorities do not make enough investigations or offer enough guidance service. So the supporting policies, supervision and management, and the measures are not in place as well. For the rural social organizations perse, they are lack of abilities and channels of communication with government departments and fail to know the laws well or to reach relevant competent authorities and registration administrative organs. Therefore some rural social organizations carry out activities by themselves without any supervision. The survey indicates that villagers only know they can go to town government to register the farmer specialized cooperatives. They do not know which authority is responsible for other organizations so that they choose to not register, which cause the disorder of social organizations. Some associations do not have the capability to manage their work and the rules are incomplete. Some do not implement the regulations that they have, and their financial management is not standard. With the weak law-abiding consciousness some associations arbitrarily carry out activities that against the laws or regulations and do not accept social supervision consciously.

3. TO PERFECT THE LAW SYSTEMS OF THE RURAL SOCIAL ORGANIZATION

According to the spirit of 18th CPC National Congress, we should speed up the formation of government-dominated, sustainable public service system that covering both urban and rural areas. We should accelerate to form the modern organizational social system that separate government administration from commune management and definite rights and responsibilities clearly. We also need to speed up the development of rural social organizations from the aspects of laws, policies, systems, resources and personnel training. To create a sound environment for the diversified and all-round rural social organizations, I think following measures should be adopted:

3.1 Standardizing the Establishment Conditions and the Procedures of the Rural Social Organizations

At present, our country should accelerate the legislation of social organization management, establish the laws that encourage and support the rural social organizations. First, according to the actual conditions of rural society, *Social Organization Law of CPC* must be formulated quickly so that we can standardize the nature, status, functions, rights and obligations from a legal perspective. Meanwhile, the establishment conditions, vetting process and operation mechanisms can help solve the problem that level of legislation is low (Tang, Zhang, & Gao, 2010). So the specific law can be formulated to encourage the development of some rural social organizations which are in need. Local governments can pilot the *Social*

Organization Law of CPC, detailing the duties, the range of activities and the tax benefits. Second, existing laws and regulations especially the registration systems must be reformed, which has already made a breakthrough. *The Decision on Major Issues Concerning Comprehensively Deepening Reforms* was adopted at the Third Plenary Session of the 18th CPC Central Committee. In *Reforms*, one important reform measure to stimulate the vitality of social organizations is that the country will prioritize the development of industry associations, trade unions and social organizations in fields of science and charity, as well as urban and rural community services. They can directly apply for registration according to law when they are newly founded. But as a matter of fact, it is hard for rural social organizations to meet the requirements of laws and regulations, especially those with the features of a large quantity, small scales, less funding sources and more flexible activities. For example, 30,000 RMB is the minimum required registered capital, which still shut most rural social organizations out of the threshold of registration. Therefore, when reforming the registration systems, the actual conditions should be taken into consideration and make the access easier.

3.2 Building the Internal Management System of Rural Social Organizations

Standardizing the internal management system not only relies on the organizations themselves but also the supervisions from our government and the society. On one hand, rural social organizations have to perfect themselves by completing the systems, building internal management systems as well as the democratic decision-making system, and encouraging members to participate in decision-making and supervise the activities of the organization. Major decisions should be made in general meetings not just by an individual or a minority of people. To complete the financial management system, rural social organizations should make all items of an account clearly, correctly, timely and in details, and the fund or legal income should be mainly used for business operations prescribed by the articles of the organization. Donations and funding must be used strictly according to the period of time and terms arranged with the donors or sponsors. Financial Statements should be publicized on a regular basis and the system of charging club dues should also be standardized. The goal is to promote the healthy development of the organizations. On the other hand, government can guide the rural social organizations to learn the management system and supervise the information disclosure by conducting a training program and offering opportunities to visit and exchange.

3.3 Constructing the Operating Mechanism of Rural Social Organizations

To construct the scientific and systematic operating mechanism of rural social organizations, there are several ways. One is to build effective corporate governance

systems that distinct rights and responsibilities clearly and strengthen the core position of the articles. Specific actions such as elections, deliberation, personnel, finance should be standardized to enhance the ability of independent operation. In the fields of raising funds, operating projects, reflecting appeals, maintaining the rights and interests, rural social organizations should strengthen the cooperation with government, enterprises, public institutions and other organizations in order to provide more public service and public support to the society. Another is to take the rewards and punishment system and evaluation systems as effective measures to facilitate the activities. Through formulating the specific rewards and punishment rules and competition rules, orderly competitions can be achieved and the management and the quality of service can be ameliorated constantly. Lastly, rural social organizations should educate their members to act according to the rules, especially the regulations of organizations. The concept of discipline should be strengthened then members will follow the requirements consciously when carry out all activities. Building the internal criticism system, the year-end appraisal system, the integrity records and evaluation system can help create a good atmosphere of integrity and self-discipline.

3.4 Strengthening the Supervision Over Rural Social Organizations

How to strengthen the supervision of social organizations since the implement of the management system reform? Civil affairs departments must earnestly perform their duties according to law, besides they can improve the supervision through following aspects. The first is to revise 3 administrative regulations that involve social organizations and supervise the funds, activities and actions of social organizations. The second is to promote the transparency of social organizations and enhancing the self-discipline and credibility. The third is to speed up the construction of information platform and give a timely snapshot of the registration, annual inspections, enforcement, evaluations and social reflections to the information platform, so as to strengthen the social supervision, the supervision by public opinions and promote the healthy development of social organizations and play a positive role. Some local government began to complete the exploration and practice of supervision systems.¹ For instance, the Department of Civil Affairs of Henan Province issued the *Implementation of the Provincial Social Organization Assessment* to evaluate the social organizations. Organizations that get the level of or above 3A can take priority over others. The registered organizations will have credit files for public

¹ Xinhua Net. (2013, March 13). *The ministry of civil affairs will revise three administrative rules and regulations to strengthen social organization and management regulations from three aspects.*

supervising.² However, the measures and reforms of supervision systems that mentioned above are far from being enough, I think we can try harder in the following areas. First, local governments should pay attention to the structure and lay-out of social organizations: Promoting the development of social organizations whose main contents are voluntary service, charity and the service for the aged; developing the industry social organizations which are in accord with development of industry and adapt to the marketing process; encouraging the development of nonprofit social organizations in terms of education, science and technology, culture, health care; striving to develop distinctive and popular entertainment groups; developing the public organizations that protect the rights and interests of rural vulnerable groups, such as the Association for the Elderly and the Association of Women and Children Protections. Second, the civil administration departments, the competent authorities and the relevant functional departments should be clear about their roles and implement their responsibilities and explore to build the coordination mechanism of social organizations that led by the civil administration departments and promote the development and innovation of the rural social organization modes. Third, the business supervision, social supervision and law enforcement supervision system must be built to perfect the self-discipline systems of social organizations. The tendency of “registration before management” should be changed. Annual inspections, social evaluations, information disclosures should be listed as the main contents of social organizations’ daily management. Local governments should perform the duties according to law, improve the procedures of law enforcement, protect the legal rights of the social organizations and investigate illegal activities of social organizations.

CONCLUSION

Rural social organizations perform an important role in governing the society and balancing urban and rural development, yet the legal system issues such as the slow development, lagging legislation, deficient systems and nonstandard behaviors should be solved. The purpose of this article is to respond to the call for innovation of social management, activation of social vitality in the 18th CPC National Congress. So suggestions are brought up from four aspects, namely, standardizing the establishment conditions and the procedures of the rural social organizations; building the internal management system of rural social organizations; constructing the operating mechanism of rural social organizations; strengthening the supervision over rural social organizations. With the hope of improving the development environment of rural social organizations, raising the competence of rural social

² The State Council Network of PRC. (2012, November 19). *Henan province launch the social organization assessment work for the first time throughout the province of.*

organizations and serving rural areas better, governments should guide rural social organizations to develop healthily and help achieve the rural development.

REFERENCES

- Cai, S. M. (2012). Rural social organizations under the changes of rural governance. *Journal of Northwest Sci-Tech University of Agriculture and Forestry (Natural Science Edition)*, (09).
- Dong, M. (2011). Analysis of the problems existing in the development of rural social organizations in China. *Journal of Hubei University of Economics*, (7).
- Huang, X. Y. (2012). *Emerging civil society in China*. Social Sciences Academic Press.
- Liu, S. L. (2010). Study on the legal problems of farmers' organizations. *Studies in Law and Business*, (3).
- Tang, J. P., Zhang, G. X., & Gao, Q. (2010). Research on the countermeasures of constructing rural social organizations. *Social Sciences of Hubei*, (12).
- Tong, Z. H. (2005). *Rural non-governmental organizations and rural development in China: The experience from individual cases*. Social Sciences Academic Press.
- Wang, Y. (2010). Thoughts on the development of rural social organizations. *Journal of Direct Branch under the Shanxi Provincial Committee Party School of C.P.C.*, (2)
- Xiao, G. Y., & Zhang, R. (2011). *Rural sociology*. China Modern Economics Publishing House.
- Zhang, Y. Y. (2011). Rural social organizations: The basis of rural social management innovation. *Journal of Hunan Agricultural University*, (12).
- Zhao, Q. B. (2014). *Analysis of current situations, problems and countermeasures of rural social organizations in China*. Party School of the CPC Central Committee.